

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Yahya Muqit and Tyrone Ransom,)	Civil Action No.: 8:15-cv-04312-RBH
)	
Plaintiffs,)	
)	
v.)	ORDER
)	
South Carolina Department of Corrections,)	
Christopher A. Duval, and)	
Grealin D. Frazier,)	
)	
Defendants.)	
)	

Plaintiffs Yahya Muqit and Tyrone Ransom, state prisoners proceeding pro se, initiated this action by filing a complaint in the Court of Common Pleas for Richland County, South Carolina; their complaint asserted claims for negligence and specified the action was “brought exclusively under the South Carolina Tort Claims Act.”¹ *See* ECF No. 1-1. Defendants subsequently removed the action to this Court pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and filed a motion for summary judgment. *See* ECF Nos. 1 & 19. Plaintiffs then filed a motion to remand. *See* ECF No. 28.

The case is now before the Court for review of the Report and Recommendation (R & R) of United States Magistrate Judge Jacquelyn D. Austin, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 37. The Magistrate Judge recommends that the Court grant Plaintiffs’ motion to remand and deny as moot Defendants’ motion for summary judgment. *Id.* at 4-5.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court.

¹ S.C. Code Ann. §§ 15-78-10 to -220 (2005 & Supp. 2015).

See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

No parties have filed objections to the R & R.² In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199-200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

After a thorough review of the record in this case, the Court finds no clear error and therefore adopts and incorporates by reference the R & R [ECF No. 37] of the Magistrate Judge. Accordingly, the Court **GRANTS** Plaintiffs' motion to remand [ECF No. 28] and **REMANDS** this action to the Court of Common Pleas for Richland County, South Carolina, for further proceedings. The Court **DIRECTS** the Clerk to mail a certified copy of this Order and the R & R to the clerk of the Richland County Court of Common Pleas. The Court **DENIES AS MOOT** Defendants' motion for summary judgment [ECF No. 19].

² The Magistrate Judge issued the R & R on April 28, 2016; that same day, the R & R was entered on the Court's docket and a copy was mailed to Plaintiffs. *See* ECF Nos. 37 & 38. The next day, April 29, the Court received a document from Plaintiffs entitled "Objection to Magistrate R + R Order." *See* ECF No. 39. Although Plaintiffs labeled this document as an "objection," it was actually a brief request asking for a ruling on their motion to remand. *See id.* Significantly, Plaintiffs dated the document "April 27, 2016" (before the Magistrate Judge even issued the R & R and before Plaintiffs received the R & R) and delivered it to the prison mailroom the same day. *See* ECF Nos. 39 & 39-1.

IT IS SO ORDERED.

Florence, South Carolina
June 2, 2016

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge